

Freedom Court Reporting, Inc

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TEXAS
3 MARSHALL DIVISION

4 PATTY BEALL, MATTHEW
5 MAXWELL, TALINA MCELHANY
6 and KELLY HAMPTON,
7 individually, and on
8 behalf of all others
9 similarly situated,

10 Plaintiffs,

11 vs. CASE NO: 2:08-cv-422 TJW

12 TYLER TECHNOLOGIES, INC.,
13 and EDP ENTERPRISES, INC.,

14 Defendants.

15 * * * * *

16 DEPOSITION OF: RONALD GRIMWOOD

17 DATE TAKEN: September 8, 2010

18 TIME: 2:05 p.m. - 4:10 p.m.

19 PLACE: ComCenter Bradenton
20 6150 State Road 70 E
21 Bradenton, Florida 34203

22 TAKEN BY: The Defendants

23 REPORTED BY: Kerry Mercade, CSR, CRI, FPR
24 Court Reporter and Notary Public
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1 A. Probably late '08.

2 Q. Was there any type of rollout or meeting
3 to discuss that change?

4 A. No.

5 Q. And that change in title didn't affect
6 your job duties, correct?

7 A. That's correct. It did not.

8 Q. And you were hired in April of 2000?

9 A. Yes.

10 Q. And while you were employed with Tyler,
11 you supported the Munis software?

12 A. Yes.

13 Q. And in particular, you supported the
14 financial modules of the Munis software?

15 A. Yes.

16 Q. Were there any particular modules that you
17 specialized in or had particular expertise?

18 A. I specialized generally in purchasing
19 fixed assets, what we would call the peripheral
20 programs. Not the specific accounting programs,
21 okay. Although I did do accounts payable,
22 accounts receivable, those types of programs as
23 well. I was not an accountant, so I didn't get
24 involved in setting up the chart of accounts, as
25 an example, those types of things. So the fixed

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1 get -- assign me different programs, such as
2 these.

3 Q. Such as these that you mentioned: Fixed
4 assets, work orders, and bids and quotes?

5 A. Correct.

6 Q. So you would have to learn the software
7 associated with those modules at the time that you
8 were asked to learn them?

9 A. Yes. Another one would be administration,
10 which was setting up approval processes and
11 setting up parameters, basic parameters, other
12 than the program, specific program parameters. So
13 you would have an administration setup, and then
14 you would have specific program setups as well.

15 Q. So administration is another example of a
16 peripheral program?

17 A. Well, it ran the whole thing.

18 Q. I see. But is it -- is it a separate
19 module then?

20 A. Yes, it is.

21 Q. And, again, it was an example of a
22 different modules that you had to learn at some
23 point in your employment?

24 A. Yes.

25 Q. Did you work out of your home in Florida

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1 while you were a Tyler employee?

2 A. That was -- yes, that's where I lived. So
3 I was on the road all the time, so it didn't make
4 any difference where I lived. My office, if you
5 want to call it an office, was Raleigh-Durham.
6 That was our regional office.

7 Q. Did you have an office itself assigned to
8 you at the Raleigh-Durham office?

9 A. No.

10 Q. A cubicle or anything like that?

11 A. No.

12 Q. Would you agree that when you weren't
13 traveling to customer locations, the other times
14 then you would work at home?

15 A. I would work at home, yes.

16 Q. Were your duties at Tyler -- let me
17 scratch that.

18 I'm going to spend a lot of time today
19 talking about your job duties at Tyler.

20 A. Fine.

21 Q. First of all, I want to ask, did your
22 duties as an implementation specialist or
23 consultant vary at all depending on the different
24 types of modules that you indicated that you
25 supported?

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1 depositions in this case of implementation
2 specialists, and they have described to me
3 different steps in the process. And what I want
4 to do is see if we are on the same page in terms
5 of what the steps in the implementation process
6 are. And I guess what would you consider to be
7 the first step in the implementation process?

8 A. As far as my responsibilities or as far as
9 the implementation process itself?

10 Q. Let's say the latter, first of all.

11 A. The implementation process itself?

12 Q. Yes.

13 A. The implementation process itself, the
14 very first step is the meeting that the project
15 manager has with that site to set up the
16 parameters of what we are going to try to do for
17 them, based on what they purchased.

18 Q. Was that meeting called anything? Was it
19 called like a kickoff meeting?

20 A. Kickoff meeting would probably be the best
21 bet for it.

22 Q. Was that a term that was used at Tyler?

23 A. Yes.

24 Q. And I understood you to testify that the
25 project manager handled the kickoff meeting?

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1 A. The project manager did, yes. And we
2 would -- we didn't normally attend.

3 Q. Did you ever attend?

4 A. One site, I believe.

5 Q. Why was that?

6 A. I really couldn't tell you why. I was
7 told to be there, so I was there.

8 Q. Were you there with the project manager?

9 A. Yes.

10 Q. Who was the last project manager to whom
11 you reported?

12 A. Becky St. Cyr.

13 Q. S-t. C-y-r?

14 A. Yes, I believe that's correct.

15 Q. How long was she your project manager,
16 approximately?

17 A. Probably the end of '08, into the last --
18 into '09, when I retired.

19 Q. Did she -- well, who was your project
20 manager before Becky St. Cyr?

21 A. Margo Mellow.

22 Q. And was there -- was it just a matter of
23 Ms. Mellow moving on and leaving the company and
24 Ms. St. Cyr replacing her, or was there some other
25 organizational change that led to that change in

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1 stage?

2 A. Requisitions is an example, okay. Who
3 creates the first requisition? Where is the
4 requisition first created? Is it created at the
5 janitor level? Is it created at the purchasing
6 office? Where is it actually created? If it is
7 created down here someplace in the organization,
8 how does it proceed to get to purchasing to become
9 a purchase order? What is the policy? Who can do
10 it? What can they buy?

11 All of those kinds of questions would be
12 asked during that process. They would be listed
13 there when we would get their policy. Do you have
14 credit cards? If so, who has access to the credit
15 card? What is the amount they can purchase? You
16 know, what is your policy on this? Do you have a
17 policy manual? Can we get your policy manual?
18 Those kinds of things.

19 Q. Is it your testimony that all of those
20 questions would have been in the list that you
21 would have printed out?

22 A. Yes.

23 Q. What is the next step of the
24 implementation process?

25 A. The next step after that would be to sit

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1 down with the Munis program itself and show them
2 the alternatives they have to their current
3 operational plan, if you will.

4 Q. And when you say "alternatives," what
5 kinds of alternatives do you mean?

6 A. Take alternatives -- take that example of
7 the requisitions. Let's say we found out they
8 handwrite requisitions and then they put it in the
9 mail, and it goes to the interoffice mail, and it
10 goes to the supervisor, and he jots notes on it
11 and so on and so forth.

12 In Munis, we have an electronic approval
13 process, which makes it faster, easier to make
14 corrections, et cetera, et cetera, et cetera.
15 They would say, generally, we only want certain
16 people to approve that we have in our
17 administrative side. We can set up an approval
18 process. So and so can only see requisitions over
19 \$500. So and so can see up to a \$1,000. You can
20 determine who you want in that approval process,
21 all the way to purchasing. So that would be --
22 that would be an example of how we would do that.

23 We would generally -- I would generally -
24 and I'm sure the rest of the people did, too -
25 demonstrate that in the Munis program itself.

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44

1 phase?

2 A. Same thing.

3 Q. Same thing? You're in this central
4 location doing some functions similar to the
5 pre-live stage?

6 A. Yes.

7 Q. And is the project manager at the location
8 at this time typically?

9 A. Typically, yes.

10 Q. What is the project manager's role during
11 the go-live phase?

12 A. More of an overall-type role. It depends
13 on the project manager. Again, some project
14 managers would be involved in the conversion of
15 data, as an example, and the correctness of that
16 conversion.

17 Q. Is that something that you were involved
18 in as an implementation specialist?

19 A. No. That was kind of out of my realm.

20 Q. And I take it the -- in terms of
21 installing the software onto the customer system,
22 that was something that was done prior to your
23 role in the implementation process?

24 A. Yes, yes. We have an installation team
25 that would come in, and they typically bought a

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45

1 new server, so they would install the program on
2 the server.

3 Q. The implementation team?

4 A. No.

5 Q. The customer?

6 A. The installation team. The installation
7 team. There's a team that just goes out and puts
8 these programs on the server.

9 Q. And that's the implementation team?

10 A. No, not -- implementation comes in after
11 the program is on the server, and then they
12 implement it.

13 Q. I just used the wrong word. The
14 installation team?

15 A. Yes, they would.

16 Q. Is the go-live phase the last phase of the
17 implementation?

18 A. There's a post-live after that.

19 Q. And that involves answering questions and
20 providing support?

21 A. Seeing if there's any issues that --
22 generally, what that is, we may run into issues
23 that development, as an example, has to take care
24 of and it's not ready for the go-live. I
25 generally was not there during the post-live.

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48

1 you're involved in, is when you're sitting down
2 with the customer and the program discussing
3 alternatives and then configuring the software?

4 A. Yes.

5 Q. Can we call that configuration phase?

6 A. Sure.

7 Q. Then the next is training?

8 A. Yes.

9 Q. And then pre-live?

10 A. Yes.

11 Q. And then the go-live phase?

12 A. Yes.

13 Q. And then the post-live?

14 A. Yes.

15 Q. I know that this is going to vary
16 depending on the particular project involved, but
17 of these different phases, just taking it
18 generally, which did you spend the most amount of
19 time on? And here I'm not -- I'm wanting you not
20 to focus on a particular -- well, I suspect you
21 will tell me it would vary depending on the
22 project. That's true, right?

23 A. Yes.

24 Q. If you're looking at just your job duties
25 in general, not focusing on a particular project,

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49

1 which of these six phases of the implementation do
2 you think during your career at Tyler you spent
3 the most amount of time on?

4 MRS. BAGLEY: Form.

5 THE WITNESS: Training.

6 BY MR. MCKEEBY:

7 Q. What would be next? I'll give you the
8 list. Configuration phase, would that be next?

9 A. Those -- that one and two would probably
10 be close to --

11 Q. I'm going to 1, 2-A and 2-B. And then
12 we've got pre-live and go-live. Are those about
13 the same amount?

14 A. Yes.

15 Q. And then the post-live is the fourth?

16 A. Last, yeah.

17 Q. What's the approximate time that you spent
18 doing the training function?

19 MRS. BAGLEY: Form.

20 THE WITNESS: What do you mean by time?

21 BY MR. MCKEEBY:

22 Q. I asked you in terms of percentage. What
23 percentage approximately? I understand this isn't
24 going to be science here or math here either, but
25 if I ask you to ballpark a percentage -- a

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50

1 percentage of time during your employment at
2 Tyler, let's take the hypothetical prototypical
3 month where you worked, I don't know, what do you
4 want to say, 500 hours? That seems high. Let's
5 say 200 hours. If we had a typical month, and I
6 know we don't, what would be the ballpark estimate
7 of what hypothetical 200 hours?

8 A. I'd say training would be 40. Those top
9 two there would be another 40, and then the rest
10 would be ten and ten, probably.

11 MR. MCKEEBY: Can we go off the record and
12 take a short break?

13 (Recess from 3:01 p.m. until 3:09 p.m.)

14 BY MR. MCKEEBY:

15 Q. Was there a particular region of the
16 country to which you were assigned?

17 A. Our office was supposed to handle the
18 southeast, but I'm not sure why. I'd like to
19 think we were so good at what we do, we ended up
20 being all over the place. So we did Michigan,
21 St. Thomas, Chicago. We were all over the place.

22 Q. And when you say "we," you mean --

23 A. Our team.

24 Q. The team out of Raleigh?

25 A. Yes.

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58

1 your exit interview?

2 A. Not really. It was a telephone call to
3 Penny Parsons. I'm not sure if we talked about it
4 or what. It was pretty obvious that we weren't
5 busy at that time.

6 Q. And the volume of work just depends on the
7 number of programs and software that's being sold,
8 I take it?

9 A. That's right.

10 Q. And how long a period of time would you
11 say this business downturn occurred?

12 A. For me, involving myself, it was like
13 about three months.

14 Q. Did that have anything to do with your
15 decision to retire?

16 A. Yes.

17 Q. In what sense?

18 A. I was assigned to do support work,
19 which -- from my house, which was impossible to
20 do.

21 Q. Who gave you that assignment?

22 A. My supervisor.

23 Q. Is that --

24 A. Becky.

25 Q. And what did -- is this an oral

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59

1 communication or something that you received in
2 writing?

3 A. It was oral, I believe.

4 Q. And what do you mean by "support work?"

5 A. The support team in Maine had a number of
6 backlogs, if you will, of calls, and they sent me
7 a list of these and asked me to contact these
8 people --

9 Q. "These people" being customers?

10 A. Customers, correct. I had access to their
11 site, which showed me the previous calls and
12 things that had been done or not done and what
13 have you. And it was like more work, because most
14 of the things that -- I mean, I contacted them and
15 I did my job, but most of the things that -- it
16 was obvious that there was things that I couldn't
17 correct. I didn't have access to development. I
18 didn't have OSDBA. I didn't have access to any of
19 these places, so it was just like --

20 Q. What's OSDBA?

21 A. It is the arm of -- I don't know what it
22 stands for. Basically what they do is all of the
23 hardware-type stuff for Munis. So they would be
24 involved in server problems, connectivity
25 problems, any of those kinds of situations, as

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60

1 opposed to the software side of it, which would be
2 the development side, which would be the programs.

3 Q. So this support function that you were
4 performing was work that you understood typically
5 to be performed by the support team in Maine?

6 A. That's right.

7 Q. And you did this for how long? Three
8 months, you said, or more than that?

9 A. It was -- I think the business dropped off
10 for about three months, so we were scrambling
11 to -- we would get a phone call and say do you
12 know anybody that might want a -- need you to pop
13 in for a day or two, or do a WebX session or what
14 have you. We would try to scramble around to
15 contact sites that we had been on to ask how
16 things were going and what have you.

17 Then the support thing was probably like a
18 month before I retired.

19 Q. So there was a period of time where you
20 were asked to contact your previous customers to
21 see if they needed any additional training?

22 A. Yes.

23 Q. Were you able to do that?

24 A. I contacted them. Some of them did. We
25 did a few WebX sessions, refresher-type things,

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61

1 but they were in the same crunch that we were in.
2 They didn't have any money to do it either, so --

3 Q. But a few of them did ask for some WebX
4 training?

5 A. A few of them did.

6 Q. That's kind of refresher training on the
7 software?

8 A. Yeah. WebX doesn't really lend itself
9 unless it's like a refresher type. All you're
10 looking at is a computer screen of the program.

11 Q. This is remote training?

12 A. Yes.

13 Q. Do you have an estimate of the number --
14 average number of hours that you believe you
15 worked during your tenure at Tyler?

16 A. I have no idea.

17 Q. Would it be a true statement that the
18 number of hours you worked during this last three
19 months of your employment when the business was
20 slower was less than it was previous to that time?

21 A. Yes.

22 Q. Did you ever have any responsibility to
23 create any user guides or manuals that may have
24 been provided to the customer to utilize in
25 connection with the software?

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62

1 A. One site.

2 Q. What was that?

3 A. Wilmington, Delaware.

4 Q. What did you create for Wilmington?

5 A. We did the whole packet for them, which
6 was all of the -- let me back up.

7 In the '08 and '09, we had a team that
8 went in and did all of that work, which was
9 billable, and they had to purchase it. So that
10 meant creating manuals, doing all of the analysis,
11 doing all those kinds of things.

12 Prior to that, I think it was in -- it was
13 probably -- I'd have to look it up to be
14 absolutely sure, but it's got to be '03, '04,
15 something like that. That one site had us do
16 those things and paid us for it.

17 Q. So that was a particular unique situation?

18 A. That was a unique situation that was only
19 that site.

20 Q. And then in '08 and '09, there was a new
21 team that was created?

22 A. Out of the Raleigh office, right. There
23 was a new team that was created that would be
24 billed to the site if they so selected, and they
25 could do the whole thing from start to finish,

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93

1 CERTIFICATE OF OATH

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3 STATE OF FLORIDA

4 COUNTY OF HILLSBOROUGH

5 I, Kerry Mercade, CSR, Notary Public, State
6 of Florida, certify that RONALD GRIMWOOD
7 personally appeared before me on September 8,
8 2010, and was duly sworn.

9

10 Signed this 13th day of September, 2010.

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15 Kerry Mercade
16 Notary Public - State of Florida
17 My commission No. DD 911319
18 Expires: July 27, 2013

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94

1 CERTIFICATE OF REPORTER

2 STATE OF FLORIDA

3 COUNTY OF HILLSBOROUGH

4 I, KERRY MERCADE, CSR, Court Reporter and
5 Notary Public, HEREBY CERTIFY THAT I was
6 authorized to and did stenographically report the
7 deposition of RONALD GRIMWOOD, that a review of
8 the transcript was requested; and that the
9 foregoing transcript, Pages 4 through 92, is a
10 true and accurate record of my stenographic notes.

11 I FURTHER CERTIFY that I am not a
12 relative, or employee, or attorney, or counsel of
13 any of the parties, nor am I a relative or
14 employee of any of the parties' attorney or
15 counsel connected with the action, nor am I
16 financially interested in the action.

17 DATED this 13th day of September, 2010.

18

19

20

21 KERRY MERCADE, CSR, CRI, FPR
22 CERTIFIED COURT REPORTER

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